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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/052,937      | 10/22/2001  | Manfred Wilhelm      | 1318 A              | 3284             |

7590 08/03/2005

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Huntington, NY 11743

EXAMINER

CRANE, DANIEL C

ART UNIT PAPER NUMBER

3725

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/052,937

Applicant(s)

WILHELM ET AL.

Examiner

Daniel C. Crane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 28-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-40, 42-46 and 50-63 is/are rejected.
- 7) ☒ Claim(s) 41 and 47-49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

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## **BASIS FOR REJECTIONS**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

## **REJECTION OF CLAIMS ON FORMAL MATTERS**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 52-63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With reference to claim 52, the phrase "disposed one another" (line 5) is unclear and renders the subject matter indefinite.

## **REJECTION OF CLAIMS OVER PRIOR ART**

Claims 28-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valeo Auto-Electric Wischer Und Motoren GMBH (WO 01/62408 A1, herein referred to as Valeo). Valeo illustrates in Figure 1 a method for bending strip material 15 by feeding the strip material between three support points 19 and 39 followed by a movable reverse bending roller 33 that reverse bends the strip material a lesser amount than the three supporting bending points 19 and 33. The operation of the bending is by a numerical control (see paragraph bridging pages 5 and 6). Not shown is also provided a cutting operation to cut the material to required lengths (see the second full paragraph on page 8). Valeo does not specify that the method be performed on

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“steel”; rather, Valeo broadly performs the bending on “strip material”. It is the examiner’s position that the skilled artisan having the benefit of Valeo’s method would have been disposed to perform the method on any deformable material as dictated by the required use of the product. As to claims 31 and 32, clearly Valeo performs the bending using predetermined calculations so as to produce a product having the necessary configuration. The amount of reverse bend is clearly dependent upon the required sizing of the finished of the product. As to claim 34, see the paragraph bridging pages 5 and 6 and the first full paragraph of page 6 where trigger markings are used to denote the leading and trailing ends of each strip length.

Claims 40, 42-46, 50-52, 54-58, 62 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds Aluminum (NL 7807040, herein referred to as Reynolds) in view of Flemmer (5,685,186) or Valeo Auto-Eclectic Wischer Und Motoren GMBH (WO 01/62408). The Figure shows that a bender having three support points 2, 3 and 4 where the center support point 2 is adjustable and with a reverse bending roll 8 also being adjustable. Reynolds does not show that the reverse bending roll is numerically controlled and where a cutting implement is provided. This is shown by Flemmer or Valeo where computer controls can be provided to automatically control the positioning of the bending rolls and so as to eliminate any manual intervention in the bending of the strip material. Flemmer and Valeo also provide cutting units to sever the material to required lengths. It would have been obvious to the skilled artisan at the time of the invention to have modified Reynolds’ device by further providing the control concepts and cutting units of Flemmer or Valeo for the noted motivation. See the previous paragraph as the examiner’s position relates to claims 45 and 46

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#### **INDICATION OF ALLOWABLE SUBJECT MATTER**

Claims 41 and 47-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 53, 59, 60 and 61 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### **PRIOR ART CITED BY EXAMINER**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

#### **RESPONSE BY APPLICANT(S)**

Applicant(s) response to be fully responsive and to provide for a clear record must specifically point out how the language of the claims patentably distinguishes them from the references, both those references applied in the objections and rejections and those references cited in view of the state of the art in accordance with 37 CFR 1.111 (a), (b) and (c).

#### **INQUIRIES**

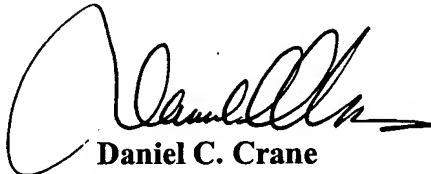
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner D. Crane whose telephone number is (571) 272-4516.

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The examiner's office hours are 6:30AM-5:00PM, Tuesday through Friday. The examiner's supervisor, Mr. Derris Banks, can be reached at (571) 272-4419.

Documents related to the instant application may be submitted by facsimile transmission at all times to Fax number (703) 872-9306. Applicant(s) is(are) reminded to clearly mark any transmission as "DRAFT" if it is not to be considered as an official response. The Examiner's Fax number is (571) 273-4516.

DCCrane  
June 16, 2005



**Daniel C. Crane**  
Primary Patent Examiner  
Group Art Unit 3725